

(3) *Summer flounder*. All summer flounder possessed aboard a party or charter boat issued a summer flounder permit are deemed to have been harvested from the EEZ.

(4) *NE multispecies*. (i) Regulated species possessed for sale that do not meet the minimum sizes specified in §648.83 for sale are deemed to have been taken or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part and fishing exclusively within state waters, or by a vessel that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

(ii) Regulated species possessed for sale that do not meet the minimum sizes specified in §648.83 for sale are deemed taken from the EEZ or imported in violation of these regulations, unless the preponderance of all submitted evidence demonstrates that such fish were harvested by a vessel not issued a permit under this part and fishing exclusively within state waters, or by a vessel that fished exclusively in the NAFO Regulatory Area. This presumption does not apply to fish being sorted on deck.

(5) *Mackerel, squid, and butterfish*. All mackerel and butterfish possessed on board a party or charter boat issued a mackerel, squid, and butterfish fishery permit are deemed to have been harvested from the EEZ.

(6) *Scup*. All scup possessed on board a party or charter boat issued a permit under §648.4 are deemed to have been harvested from the EEZ.

(7) *Black sea bass*. All black sea bass possessed on board a party or charter boat issued a permit under §648.4(a)(7)(ii) are deemed to have been harvested from U.S. waters of the western Atlantic Ocean from 35°15.3' N. lat., the latitude of Cape Hatteras Light, NC, northward to the U.S.-Canada border.

[61 FR 34968, July 3, 1996]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §648.14, see the List of CFR sections affected in the Finding Aids section of this volume.

EFFECTIVE DATE NOTES: 1. At 63 FR 15326, Mar. 31, 1998, §648.14 was amended by adding

and reserving paragraphs (a)(104) through (a)(109), and adding paragraphs (a)(110) and (a)(111), effective Apr. 3, 1998 through Sept. 27, 1998. At 63 FR 51862, Sept. 29, 1998, the effective date was extended through Mar. 26, 1999. For the convenience of the user, paragraph (a)(110) and (111) are set forth as follows:

#### §648.14 Prohibitions.

(a) \* \* \*

(110) Fish for, possess or retain sea scallops in or from the areas described in §648.57

(111) Transit or be in the areas described in §648.57 was scallop gear that is not properly stowed as required in §648.57.

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EFFECTIVE DATE NOTES: 2. At 63 FR 45940, Aug. 28, 1998, §648.14 was amended by adding paragraph (a)(97), effective Aug. 28, 1998, through Feb. 28, 2000.

3. At 63 FR 52641, Oct. 1, 1998, §648.14 was amended by revising paragraph (a)(8), effective Nov. 1, 1998. For the convenience of the user, the superseded text is set forth as follows:

#### §648.14 Prohibitions.

(a) \* \* \*

(8) Assault, resist, oppose, impede, harass, intimidate, interfere with or bar by command, impediment, threat, or coercion either a NMFS-approved observer, sea sampler, or other NMFS-authorized employee aboard a vessel or in a dealer/processor establishment, conducting his or her duties aboard a vessel or in a dealer/processor establishment, or an authorized officer conducting any search, inspection, investigation, or seizure in connection with enforcement of this part.

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#### §648.15 Facilitation of enforcement.

(a) *General*. See §600.504 of this chapter.

(b) *Special notification requirements applicable to surf clam and ocean quahog vessel owners and operators*. (1) Vessel owners or operators are required to call the NMFS Office of Law Enforcement nearest to the point of offloading (contact the Regional Administrator for locations and phone numbers) and accurately provide the following information prior to the departure of their vessel from the dock to fish for surf clams or ocean quahogs in the EEZ: Name of

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the vessel; NMFS permit number assigned to the vessel; expected date and time of departure from port; whether the trip will be directed on surf clams or ocean quahogs; expected date, time, and location of landing; and name of the individual providing notice.

(2) Owners or operators that have given notification of a fishing trip under this paragraph (b) who decide to cancel or postpone the trip prior to departure must immediately provide notice of cancellation by telephone to the Office of Law Enforcement to which the original notification was provided. A separate notification shall be provided for the next fishing trip. Owners or operators that discontinue a fishing trip in the EEZ must immediately provide notice of discontinuance by telephone to the Office of Law Enforcement to which the original notification was provided. The owner or operator providing notice of discontinuance shall advise of any changes in landing time or port of landing. The owner or operator discontinuing a fishing trip in the EEZ must return to port and off-load any surf clams or ocean quahogs prior to commencing fishing operations in the waters under the jurisdiction of any state.

(3) The vessel permits, the vessel, its gear, and catch shall be subject to inspection upon request by an authorized officer.

(4) *Suspension of notification requirements.* The Regional Administrator may suspend notification requirements for vessels fishing under a Maine mahogany quahog permit issued pursuant to §648.4(a)(4)(i) if he determines that such notification is not necessary to enforce effectively the management measures in the Maine mahogany quahog zone. The Regional Administrator may rescind such suspension if he concludes that the original determination is no longer valid. A suspension or rescission of suspension of the notification requirements by the Regional Administrator shall be published in the FEDERAL REGISTER.

(c) *Radio hails.* Permit holders, while underway, must be alert for communication conveying enforcement instructions and immediately answer via VHF-FM radio, channel 16 when hailed by an authorized officer. Vessels not

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required to have VHF-FM radios by the Coast Guard are exempt from this requirement.

[61 FR 34968, July 3, 1996, as amended at 62 FR 14648, Mar. 27, 1997; 63 FR 27485, May 19, 1998]

#### §648.16 Penalties.

See §600.735.

#### §648.17 Exemptions for vessels fishing in the NAFO Regulatory Area for Multispecies vessels.

A vessel issued a valid High Seas Fishing Compliance permit under 50 CFR part 300 is exempt from multispecies permit, mesh size, effort-control, and possession limit restrictions, specified in §§648.4, 648.80, 648.82 and §648.86, respectively, while transiting the EEZ with multispecies on board the vessel, or landing multispecies in U.S. ports that were caught while fishing in the NAFO Regulatory Area, provided:

(a) The vessel operator has a letter of authorization issued by the Regional Administrator on board the vessel;

(b) For the duration of the trip, the vessel fishes, except for transiting purposes, exclusively in the NAFO Regulatory Area and does not harvest fish in, or possess fish harvested in, or from, the EEZ;

(c) When transiting the EEZ, all gear is properly stowed in accordance with one of the applicable methods specified in §648.81(e); and

(d) The vessel operator complies with the High Seas Fishing Compliance permit and all NAFO conservation and enforcement measures while fishing in the NAFO Regulatory Area.

[63 FR 11595, Mar. 10, 1998]

#### Subpart B—Management Measures for the Atlantic Mackerel, Squid, and Butterfish Fisheries

#### §648.20 Maximum optimum yield (OYs).

The OYs specified pursuant to §648.21 during a fishing year may not exceed the following amounts:

(a) Mackerel—that quantity of mackerel that is less than or equal to the allowable biological catch (ABC) in U.S. waters specified pursuant to §648.21.